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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ichiro Okajima

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04/29/2004

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EXAMINER

LOGSDON, JOSEPH B

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/748,258

Applicant(s)

OKAJIMA ET AL.

Examiner

Joe Logsdon

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date Z.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**Claim Rejections—35 U.S.C. 101:**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-7 are directed to a header structure, which is neither a process, machine, manufacture, nor composition of matter.

**Claim Rejections—35 U.S.C. 102(b):**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Perkins.

With regard to claim 1, Perkins teaches a header structure of a packet, which is transferred to a mobile terminal through a packet communication network that includes a plurality of routers inclusive of communication routers configured to communicate with mobile terminals through radio, comprising information about conditions of destination mobile terminals (the condition being whether the mobile terminal has migrated to an area served by a foreign

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node; page 86, left-hand column; the mobile receives packets with a care-of address in the header when the mobile moves to an area served by a foreign agent) for which said packet is destined, said information serving as indication of destination.

With regard to claim 2, Perkins teaches that the information specifies conditions of movement of the destination mobile terminals (the condition of movement being whether the mobile has migrated to an area served by a foreign agent; page 86, left-hand column).

With regard to claim 7, Perkins teaches a method of controlling packet transfer when packets are transferred to mobile terminals through a packet communication network that includes a plurality of routers inclusive of communication routers configured to communicate with mobile terminals through radio, comprising the steps of making any given one of the communication routers keep track of information about conditions of mobile terminals that can communicate with and send said information to said any given one of the communication routers (the condition being whether the mobile terminal has migrated to an area served by a foreign node; page 86, left-hand column; the mobile receives packets with a care-of address in the header when the mobile moves to an area served by a foreign agent the home agent keeps track of the mobile's care-of address); and making each of the routers transfer a packet to other routers after checking destination information when the packet, traveling through the packet communication network, includes information about the conditions of mobile terminals stored as the destination information in a header portion thereof; making the communication routers transfer the packet through radio to mobile stations that can communicate with the communication routers if the information about the conditions of mobile terminals stored as the destination information in the header portion of the packet matches the information about the conditions of mobile terminals

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kept track of by the communication routers (the packets are tunneled from source to destination; page 86, left-hand column ).

With regard to claim 8, Perkins teaches that the information about the conditions of mobile terminals kept track of by the communication routers and the information about the conditions of mobile terminals stored as the destination information in the header portion of the packet are information about movement of mobile terminals (the condition of movement being whether the mobile has migrated to an area served by a foreign agent; page 86, left-hand column).

### **Allowable Subject Matter:**

5. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach or fairly suggest the use of the destination portion of a packet header to carry information about conditions experienced by mobile terminals. The claimed invention routes packets to mobiles that experience a certain speed, rather than routing them based on, for example, a MAC address or an IP address (see, e.g., page 10, lines 14-28 of the specification and claim 7).

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### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Diaz et al., Bjenne et al., Backes et al., Hemmady et al., Short et al., and Fujita et al. are cited to show the state of the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Logsdon whose telephone number is (703) 305-2419. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe Logsdon

Patent Examiner

Wednesday, April 21, 2004

  
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SUPERVISORY PATENT EXAMINER  
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